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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,434	02/22/2002	Dennis J. Bair	3853-011292	9991

7590

09/02/2003

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,434

Applicant(s)

BAIR, DENNIS J.

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the magnet or the adhesive coating as recited in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not provide support for the apparatus comprising a magnet or adhesive coating on the second side.

Claim Rejections - 35 USC § 112

3. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, it is unclear if the applicant is positively claiming the information relating to a reward or merely an area for the placement of information relating to a reward.

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In claim 3, it is unclear if the applicant is positively claiming the information relating to a sponsor or merely an area for the placement of information relating to a sponsor.

In claim 6, the phrase "the area for information relating to the reward" lacks antecedent basis.

In claim 7, the phrase "the area for information relating to the sponsor" lacks antecedent basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Gruchy, U. S. Patent 2,395,804.

6. De Gruchy teaches a record bearing document comprising a card body 10 having a first side (figure 1) and a second side. The first or front of the card has a first photograph 11, a second photograph (not labeled), an area for the company name, a first area for the placement of a signature of an individual (*John Doe*), an area for the placement of an address and thumb print of the individual, and an area for a second signature or autograph of a person giving the company's authorization (*A. S. Boyd*).

With respect to claim 2, 3, 6, 7, 8, 11-13, 16, 17, and 18, since the area for information or indicia relating to a reward and/or sponsor and the autograph and

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photograph of an individual does not have an unobvious functional relation with the card, the examiner considers the area for information or indicia relating to the a reward and/or sponsor to be a design consideration which has not been given patentable weight. (See In re Gulack, 217 USPQ 401). Nevertheless, De Gruchy teaches the name of the company issuing or sponsoring the card.

With respect to claim 4 and 14, the card taught by De Gruchy has a photo or picture of John Doe. (See figure 1 and 4).

With respect to claims 5 and 15, De Gruchy teaches that the backside of the card can be used for any desired information such as height, weight, age, and detailed description of the individual. (See page 2, lines 3-6).

With respect to claim 9, De Gruchy describes the record bearing document as card assembly. (See page 1, line 49).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Gruchy in view of Johnson, U. S. Patent 5,983,537. Johnson magnetically supportable card device having a front surface (figure 4) and a rear surface (figure 5) with indicia thereon and a magnet 24 therebetween. The magnet allows the card to be removably attached to a refrigerator or other metal wall boards. (See column 4, line 37-54) It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the card taught by De Gruchy with a magnet mounted therebetween as taught by Johnson to provide a means hold the upon a support surface when not in use.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following U. S. Patents are cited to show cards with identification indicia: 2,712,514 (English, Jr.); 6,224,109 (Yang); and 6,082,774 (Schlauch).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
August 20, 2003